

# **EXHIBIT A**

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

FOX VALLEY CONSTRUCTION )  
WORKERS FRINGE BENEFIT FUNDS, )  
*et al.*, )

Plaintiffs, )

vs. )

CONCRETE BY FLEMING, INC., )  
an Illinois corporation, )

Defendant, )

and )

REGENT TITLE INSURANCE AGENCY, )  
LLC, )

Citation Respondent. )

CIVIL ACTION

NO. 08 C 4565

JUDGE WAYNE R. ANDERSEN

**CITATION TO DISCOVER ASSETS TO THIRD PARTY**

TO: Regent Title Insurance Agency, LLC  
c/o Michael S. Roberts, Registered Agent  
55 W. Monroe Street, Suite 1700  
Chicago, IL 60603-5125

YOU ARE REQUIRED to appear and/or file your answer to this Citation, using the form attached entitled "Third Party Respondent Answer to Citation Proceedings," at the offices of Plaintiffs' counsel, Baum Sigman Auerbach & Neuman, Ltd., at 200 West Adams Street, Suite 2200, Chicago, Illinois, on or by **Tuesday**, the **8th** day of **December 2009** at the hour of **10:00 a.m.**, and thereafter until the above-entitled cause shall be concluded; and then and there to answer under oath such questions as may be put to you concerning indebtedness due the above-named Defendant, and to abide by the further order of the Court. NOTE: your written answer under oath, along with

production of documents requested in the attached Rider, is sufficient for your appearance unless you receive a further order to personally appear.

Judgment was entered in favor of the Plaintiffs on the 24th day of October 2008 in the aggregate sum of \$12,969.47, plus post-judgment interest and costs. The total amount of \$9,969.27 remains unsatisfied, plus post-judgment interest of \$213.57 (calculated through 11/30/09), for a total of \$10,182.84.

YOU ARE PROHIBITED, as of the date upon which this Citation was served upon you, from making or allowing any transfer or other disposition of, or interference with, any property not exempt from execution or garnishment belonging to the judgment debtor or to which it may be entitled or which may be acquired by or become due to it and from paying over or otherwise disposing of any money not so exempt, which is due or becomes due to it, until the further order of Court or termination of the proceedings. You may be held personally accountable should you violate this injunction. You are not required to withhold the payment of any money beyond double the amount of the judgment.

**CERTIFICATE OF ATTORNEY OR JUDGMENT CREDITOR**

Judgment Amount: \$12,969.47, plus post-judgment interest, Balance Due: \$10,182.84

Date of Judgment/Revival: October 24, 2008

Name of Court Entering Judgment: US District Court for the Northern District of Illinois

Case No. 08 C 4565

The undersigned certifies under penalties as provided by law to the Court that the above information is true.

Signature: \_\_\_\_\_

Name: Patrick N. Ryan, Attorney for Plaintiffs/Judgment Creditors

Address: 200 W. Adams Street, Suite 2200  
Chicago, IL 60606-5231

Telephone: (312) 236-4316

Facsimile: (312) 236-0241

YOUR FAILURE TO APPEAR IN COURT AS HEREIN DIRECTED MAY CAUSE YOU TO BE ARRESTED AND BROUGHT BEFORE THE COURT TO ANSWER TO A CHARGE OF CONTEMPT OF COURT, WHICH MAY BE PUNISHABLE BY IMPRISONMENT IN THE FEDERAL JAIL. IN ADDITION, YOUR FAILURE TO COMPLY WITH THE CITATION PROCEEDING MAY RESULT IN A JUDGMENT BEING ENTERED AGAINST YOU FOR THE UNSATISFIED AMOUNT OF THE JUDGMENT AGAINST THE JUDGMENT DEBTOR.

MICHAEL W. DOBBINS

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CLERK OF COURT



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DEPUTY CLERK

DATE: OCT 30 2009

(SEAL OF COURT)

### **RIDER TO CITATION TO DISCOVER ASSETS TO THIRD PARTY**

Upon receipt of this Citation to Discover Assets, please do the following:

1. Freeze all assets in your control belonging to the Defendant, as required by the Citation, up to twice the amount of the balance due on the judgment, plus judgment interest and court costs.
2. Contact the attorneys for the Plaintiffs to discuss the Citation.
3. Produce for examination the following documents (unless production is excused by Plaintiff's attorney):
  - a. All records of savings and checking accounts, Certificates of Deposit, Safe Deposit Boxes, Land Trusts, Inter Vivos Trusts, Loans, Mortgages, Trust Deeds, Annuities, negotiable and non-negotiable instruments in which the Judgment Debtor has an interest, or had an interest in the last three years.
  - b. All applications for accounts or loans filled out by Judgment Debtor, any financial statements filled out by Judgment Debtor, and all books, papers or records in your possession or control which may contain information concerning the property or income of, or indebtedness due Judgment Debtor.
  - c. If any savings account, checking account, or certificate of deposit has been closed in the last three years, a copy of both sides of the check or other document closing such account should be produced.

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**CITATION NOTICE TO JUDGMENT DEBTOR**

Judgment Debtor's last known:

Judgment Creditor's Attorney/Judgment  
Creditor:

Name: Concrete By Fleming, Inc.

Patrick N. Ryan/Baum Sigman Auerbach

Address: 206 1/2 E Wapella

200 W. Adams Street, Suite 2200

Minooka, IL 60447-9233

Chicago, IL 60606-5231

Phone: 312-236-4316

Judgment in the amount of: \$12,969.47, plus post-judgment interest

Name of Person or entity receiving Citation: Regent Title Insurance Agency, LLC

Citation Appearance required by: December 8, 2009 at 10:00 a.m.

**NOTICE:** The court has issued a citation against the person named above. The citation directs that person to appear at the offices of Plaintiffs' counsel to be examined for the purpose of allowing the judgment creditor to discover income and assets belonging to the judgment debtor or in which the judgment debtor has an interest. The citation was issued on the basis of a judgment against the judgment debtor in favor of the judgment creditor in the amount stated above. On or after the court

date stated above, the court may compel the application of any discovered income or assets toward payment on the judgment.

The amount of income or assets that may be applied toward the judgment is limited by federal and Illinois law. **THE JUDGMENT DEBTOR HAS THE RIGHT TO ASSERT STATUTORY EXEMPTIONS AGAINST CERTAIN INCOME OR ASSETS OF THE JUDGMENT DEBTOR WHICH MAY NOT BE USED TO SATISFY THE JUDGMENT IN THE AMOUNT STATED ABOVE:**

(1) Under Illinois or federal law, the exemptions of personal property owned by the debtor include the debtor's equity interest, not to exceed \$4,000 in value, in any personal property as chosen by the debtor; Social Security and SSI benefits; public assistance benefits; unemployment compensation benefits; workers' compensation benefits; veterans' benefits; circuit breaker property tax relief benefits; the debtor's equity interest, not to exceed \$2,400 in value, in any one motor vehicle, and the debtor's equity interest, not to exceed \$1,500 in value, in any implements, professional books, or tools of the trade of the debtor.

(2) Under Illinois law, every person is entitled to an estate in homestead, when it is owned and occupied as a residence, to the extent in value of \$15,000, which homestead is exempt from judgment.

(3) Under Illinois law, the amount of wages that may be applied toward a judgment is limited to the lesser of (i) 15% of gross weekly wages or (ii) the amount by which disposable earnings for a week exceed the total of 45 times the federal minimum hourly wage.

(4) Under federal law, the amount of wages that may be applied toward a judgment is limited to the lesser of (i) 25% of disposable earnings for a week or (ii) the amount by which disposable earnings for a week exceed 30 times the federal minimum hourly wage.

(5) Pension and retirement benefits and refunds may be claimed as exempt under Illinois law.

The judgment debtor may have other possible exemptions from garnishment under the law.

**THE JUDGMENT DEBTOR HAS THE RIGHT AT THE CITATION HEARING TO DECLARE EXEMPT CERTAIN INCOME OR ASSETS OR BOTH.** The judgment debtor also has the right to seek a declaration at an earlier date, by notifying the clerk in writing at 219 South Dearborn Street, 20th Floor, Chicago, IL 60604. When so notified, the Clerk of the Court will provide a hearing date and the necessary forms that must be prepared by the judgment debtor or the attorney for the judgment debtor and sent to the judgment creditor regarding the time and location of the hearing. This notice may be sent by regular first class mail.

FOX VALLEY CONSTRUCTION )  
WORKERS FRINGE BENEFIT FUNDS, )  
*et al.*, )

VS.

CONCRETE BY FLEMING, INC., )  
an Illinois corporation, )

JUDGE WAYNE R. ANDERSEN

REGENT TITLE INSURANCE AGENCY, )  
LLC, )

Citation Respondent. )

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\_\_\_\_\_  
Attach a sheet for any additional information required by the Citation.

Subtotal \_\_\_\_\_

Less right of offset for other loans \_\_\_\_\_

Less deduction for fees limited by law \_\_\_\_\_

Total \_\_\_\_\_

According to the business records kept by the Citation Respondent we show the above accounts to be correct.

\_\_\_\_\_  
Agent for Citation Respondent

\_\_\_\_\_  
Date

Third Party Respondent/Agent

Agent Name: \_\_\_\_\_

Agent Title: \_\_\_\_\_

Respondent Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Fax: \_\_\_\_\_

A copy of this Answer should be filed with the Court Clerk for the United States District Court for the Northern District of Illinois, Eastern Division, and a copy sent to the Attorney for Plaintiffs, and to the Judgment Debtor.

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**CERTIFICATE OF MAILING CITATION**

I hereby certify that, within three (3) business days of service of the citation and citation notice upon a person or party other than the judgment debtor, I served upon the judgment debtor either a copy of the underlying judgment or a certification by the clerk of the court that entered the judgment or the attorney for judgment creditor setting forth the amount of the judgment, the name of that court, and the number of the case, a copy of the citation served upon the third person or party, and a copy of the citation notice.

Date: November 2, 2009

Signature: 

Name: Patrick N. Ryan

Title: Attorney for Plaintiffs/Judgment Creditors

## RETURN OF SERVICE

Service of the Citation to Discover Assets to Third Party was made by me.

DATE:

11/2/09

NAME OF SERVER (PRINT)

Eli B. Freiburg

TITLE Asst.  
Office Mgr.

*Check one box below to indicate appropriate method of service-*

- ☐ Served personally upon the defendant. Place where served: \_\_\_\_\_
- ☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.  
Name of person with whom the summons and complaint were left: \_\_\_\_\_
- ☐ Returned unexecuted: \_\_\_\_\_
- ☒ Other (specify): Left copies with Andre Behn, Office Services Manager,  
Michael S. Roberts, Registered Agent for Regent Title Insurance Agency, LLC, 55 W. Monroe Street,  
Suite 1700, Chicago, IL 60603-5125

## STATEMENT OF SERVICES FEES

TRAVEL

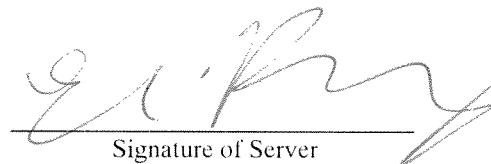
SERVICES

TOTAL

## DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on November 2, 2009  
Date

  
Signature of Server

200 W. Adams Street, Suite 2200,  
Chicago, IL 60606-5231  
Address of Server